

GOVERNMENT DOCUMENTS  
COLLECTION

# HWACalendar

FEB 17 1996

University of Massachusetts  
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January 24, 1996

## MEETING NOTICE

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Published by the Hazardous Waste Management Program  
for the HAZARDOUS WASTE ADVISORY COMMITTEE  
for more information call Nancy Wrenn at 617-292-5587

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**Location of the meeting:** 7th Floor Conference Room  
One Winter Street, Boston

## AGENDA

9:30 Minutes of the October 18, 1995 HWAC meeting

9:45 Reports:

- HWAC Working Committee - Rubinstein/Brown
- Hazardous Household Products Forum - Wrenn
- ASTSWMO Meeting on national issues - Miller
- Report on Universal Waste Rule from national Hazardous Materials Management Conference - Wrenn
- Status of Mass. adoption of UWR - Miller

11:00 Proposed Changes to Regulations for Driver Training for Hazardous Waste Transporters -  
Al Nardone

11:15 Proposed Change in Federal Definition of "On-Site" ("Site") - Miller

11:30 The Printers Partnership, a new multi-media initiative - Wrenn

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Transporter Committee (Asha Shah, contact)	February 14, 1996
One Winter St., 5th Fl. Conf. Room	10:00 AM - noon

HWAC Working Committee (Jim Miller, contact)	January 10, 1996
DEP Central Regional Office, 75 Grove St., Worcester	1:00 - 4:00 PM





## WHAT IS THE STATES' ROLE?

Like most federal environmental legislation, RCRA encourages states to develop and run their own hazardous waste programs as an alternative to direct EPA management. When EPA issues a new rule, such as the Universal Waste Rule, states that are authorized to implement the RCRA program must adopt the rule in a separate state rulemaking for it to be effective. Because the Universal Waste Rule is less stringent than the current requirements under RCRA, state adoption is optional. EPA strongly encourages state adoption, however, to foster better management of universal wastes in each state. Quick state adoption will make interstate issues less complex. Consistent programs among states will facilitate implementation of national collection programs.

States may adopt the entire rule or portions of it, including:

- General provisions
  - Provisions for batteries, pesticides, and thermostats
  - Provisions allowing petitions to add new universal wastes
- If states adopt the petition provision, they will be allowed to add wastes to their universal waste programs without having to add the wastes at the federal level. This rule *will not* go into effect in a state authorized for other RCRA programs until the state adopts and becomes authorized for this rule. The rule *will* go into effect in states and territories that are not RCRA-authorized including Iowa, Alaska, Hawaii, and Puerto Rico.

## FOR MORE INFORMATION

The rule was published in the May 11, 1995, *Federal Register* and is found in the *Code of Federal Regulations* at 40 CFR Part 273. For more information about the rule, call the RCRA/Superfund Hotline at 800 424-9346 or TDD 800 553-7672. In the Washington, DC, area, call 703 412-9810 or TDD 703 412-3323.

## EPA The Universal Waste Rule

EPA  
United States  
Environmental Protection Agency  
(5305W)  
Washington, DC 20460

Official Business  
Penalty for Private Use  
\$300





# THE UNIVERSAL WASTE RULE HAS UNIVERSAL APPEAL! IT...

- Eases regulatory burdens on businesses.
- Promotes proper recycling or disposal of hazardous waste batteries, pesticides, and thermostats.
- Provides for collection opportunities for communities and businesses.
- State adoption strongly encouraged.

## REINVENTING ENVIRONMENTAL REGULATIONS

As part of the U.S. Environmental Protection Agency's (EPA's) commitment to reinvent environmental regulations, the Agency recently issued the "Universal Waste Rule." This rule is designed to reduce the amount of hazardous waste items in the municipal solid waste (MSW) stream, encourage recycling and proper disposal of certain common hazardous wastes, and reduce the regulatory burden on businesses that generate these wastes.

By reducing administrative requirements, this rule is expected to save companies more than \$70 million per year in compliance costs and reduce the amount of time spent on paperwork requirements by over 500,000 hours per year. Administrative reductions also would help encourage collection and recycling programs, thereby reducing the amount of these common hazardous items that are thrown into the trash by households and small businesses. Removing these materials from municipal landfills and incinerators will prevent a potential threat to public health and the environment.

This rule was promulgated by EPA as an amendment to the Resource Conservation and Recovery Act (RCRA) regulations. States that are authorized to implement the RCRA program are strongly encouraged to adopt this rule.

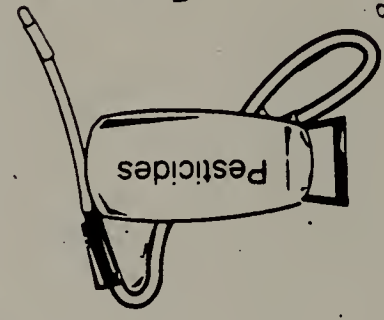
## WHAT ARE UNIVERSAL WASTES?

Universal wastes include:



Batteries, such as nickel-cadmium (Ni-Cd) and small sealed lead-acid batteries, which are found in many common items in the business and home setting, including electronic equipment, mobile telephones, portable computers, and emergency backup lighting.

Agricultural pesticides that have been recalled or banned from use, are obsolete, have become damaged, or are no longer needed due to changes in cropping patterns or other factors. They often are stored for long periods of time in sheds or barns.



Thermostats, which can contain as much as half a gram of liquid mercury.



## WHO IS AFFECTED BY THIS RULE?



**Businesses.** Universal wastes are generated by small and large businesses that are regulated under RCRA and have been required to handle these materials as hazardous wastes. The Universal Waste Rule eases the regulatory burden on businesses that generate these wastes. Specifically, it streamlines the requirements related to notification, labeling, marking, prohibitions, accumulation time limits, employee training, response to releases, offsite shipments, tracking, exports, and transportation. For example, the rule extends the amount of time

site. It also allows companies to transport them with a common carrier, instead of a hazardous waste transporter, and no longer requires companies to obtain a manifest.

Many industries strongly support this new rule because they have identified easy collection of universal wastes as a priority to ensure sound environmental management. This rule will allow companies to more easily establish collection programs and participate in manufacturer take-back programs required by a number of states. Many large manufacturers are already planning national collection programs for their products.

The rule does not pertain to businesses that generate less than 100 kilograms of universal wastes per month (Conditionally Exempt Small Quantity Generators). EPA encourages these businesses to participate voluntarily by bringing these wastes to collection centers for proper treatment and disposal.



**Households.** Universal wastes also are generated by individual households, which are not regulated under RCRA and are allowed to dispose of these wastes in the trash. Residential trash (MSW) is not treated, however, and municipal landfills are not designed for hazardous wastes. EPA encourages residents to take these items to conveniently located collection sites at nearby businesses.

**Communities.** Communities in states that adopt this rule can work with both businesses and residents to facilitate proper recycling or disposal of universal wastes. By easing the regulatory burden on businesses, more collection sites will be available. Communities can help businesses promote these collection sites to residents.





GOVERNMENT DOCUMENTS  
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# HWACalendar

March 20, 1996

## MEETING NOTICE

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for the HAZARDOUS WASTE ADVISORY COMMITTEE  
for more information call Nancy Wrenn at 617-292-5587

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**Location of the meeting: 7th Floor Conference Room  
One Winter Street, Boston**

## AGENDA

- 9:30 Minutes of the January 24, 1996 HWAC meeting
- 9:40 Role of HWAC in a reorganized BWP - Carl Dierker, Ass't Commissioner, BWP
- 10:00 Reports:  
HWAC Working Committee - Rubinstein/Brown  
Transporter Licensing - Nardone  
Status of Incorporation by Reference - Miller  
Printers Partnership Workbook - Wrenn
- 11:00 Status of Universal Waste Rule Initiative - Miller
- 11:30 Governor's Executive Order on Review of Regulations - Madeline Snow
- 

Transporter Committee (Asha Shah, contact) April 10, 10 - noon  
5th fl., One Winter Street, Boston

HWAC Working Committee (Jim Miller, contact) March 27, 1-4:30 PM  
Nat'l Guard Armory, Worcester





## **Massachusetts Hazardous Waste Management Advisory Committee**

Minutes of HWAC Meeting  
January 24, 1996

Members present: Adams, Brown (chair), Cahaly, Lataille, Perry, Rubinstein, Shaines

Members absent: Cox, Franklin, Mascoop

The minutes of the October 18, 1995 meeting were accepted as written.

### Working Committee report:

Andrea Adams reported that the next meeting of the subcommittee will be on February 7 at which time they will be discussing LQG contingency plan requirements. At the January 10 meeting the group went through the Universal Waste Rule (UWR), section by section. A consultant will be hired to look at the question of whether to adopt the federal language verbatim. There has been no response from the Department's letter to EPA asking for clarification on certain UWR issues. Another question, Geoff Brown noted, was whether MA can be less stringent, e.g. the UWR requires more paperwork and management standards for the consolidation points than DEP's policies currently require. Other questions relate to receiving facilities out-of-state.

### Reorganization of the Bureau of Waste Prevention:

Steve DeGabriele, acting director of the Division of Hazardous Materials, described the changes which may be coming in the Bureau to further a set of objectives of the new Commissioner which build on the whole facility approach and pollution prevention goals. Commissioner Struhs' key themes are integration, greater accountability, e.g. strengthening the links between Boston and regional operations, including involving the regions in rulemaking and setting criteria for performance. He advocates orientation toward the agency's "customers," enhancement of the waste prevention vision, stronger outreach to regulated communities, as well as maintaining staff morale and growth, program expertise and better planning and evaluation.

The general directions in which BWP is going are changing from media focused divisions to divisions of "Business Compliance" and "Consumer" (HHW, reformulated products, I & M, transportation activities). Other changes anticipated in DEP are moving the Bureau of Municipal Assistance into the Bureau of Resource Protection. BRP will be taking a river basin approach. The landfill program in Solid Waste may



be moved to BRP. Although there is always concern that expertise could be diluted in the course of such changes, the benefits are expected to be more efficient and responsive operations. However, the impact on HWAC is unclear. There could be a broader advisory body, as anticipated by Pat Stanton, perhaps requiring a statutory change in 21C. Perry, Cahaly and Brown commented that they would like to have HWAC involved once the structure of BWP is clearer and perhaps reformat the committee to complement the Bureau structure. Steve noted that the Governor has requested a "CMR Review" of every Secretariat's rules. For example, the TURA Advisory Committee, like HWAC, is based in statute but other advisory committees are not. Lynn Rubinstein noted that the recommendations of a multi-media advisory effort, following six months of work, have never been produced and distributed. Dick Cahaly suggested that to keep the dialogue going, HWAC should meet with the new Commissioner at the March 20 meeting. DeGabriele said he would follow up with the Commissioner on this request.

#### Proposed Changes to Regulations for Driver Training:

Al Nardone, chief of licensing and permitting, distributed three hand-outs, a one page summary, a letter from the Association of Transporters and a letter of 11/3/95 sent by DEP in response. For 23 years MA has run a transporter licensing program, issuing 5 year licenses. Emergency response and driver training are basic requirements. The national Assoc. of Transporters has been contending that certain states are more stringent. Nardone feels that the national DOT regs, although similar to MA, may be better and is receptive to a dialogue on this with the Association. The Comprehensive Driver's License (CDL) may be the best solution. MA will stand firm on maintaining certain requirements, e.g. manifest handling. John Davey speaking for the transporter committee stated that they want a level playing field because many are based in other states as well as MA. This discussion may be another agenda item for the March 20 HWAC meeting.

#### Hazardous Waste ID Rule:

James Paterson, HW regulations specialist, described two notices of proposed rules, one (11/8/95) under a Proposed Military Munitions Rule, would change the definition of "site" to be contiguous property under the control of one person "even if access is along a row to gain entry." This could allow waste to be transporter on public ways without using a licensed transporter. Questions regarding generator status may need to be resolved. Following some discussion, Perry suggested bringing this to the next Working Group meeting for review. DEP's privilege to provide comment may be held by submission of comment from BWSC (21E). A second rule change relates to mixtures and constituent levels, which are risk-based. Issues relate to delisting, exit levels and self-implementing. DEP may join other states in commenting.

Nancy Wrenn briefly summarized the Massachusetts Printers Partnership, which is developing a workbook and self-certification statement.





COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON MA 02108 (617) 292-5500

WILLIAM F. WELD  
(Governor)

MARGEO PAUL CELLUCCI  
(Lt. Governor)

TRUDY COXE  
Secretary

DAVID B. STRUHS  
Commissioner

DRAFT DRIVER TRAINING LANGUAGE FOR REGULATORY DEVELOPMENT AND  
FURTHER DISCUSSION 1/5/96, Revised 2/8/96, Revised 3/11/96  
\* DISCUSSED AT TRANSPORTERS MEETING 2/14/96

30.409: Instruction and Training

(1) All vehicle drivers, and all employees of the transporter who may handle hazardous waste or accompany vehicle drivers during handling or transportation of hazardous waste, shall successfully complete a program of instruction that teaches how to perform transportation duties in a way that ensures the transporter's compliance with all U.S. Department of Transportation Requirements, 49 CFR 172 Subpart H, and Part 177. Such program, at a minimum, shall include, but not limited to, the following:

(a) Basic knowledge of DOT's labelling, packaging, placarding, and shipping requirements as set forth in 49 CFR Parts 171 through 180, inclusive, and all other applicable DOT regulations.

(b) Training in safe vehicle operations as required by 49 CFR Part 177.800, to avoid creating hazards to public health, safety, or welfare or the environment.

(c) Handling of hazardous wastes in a safe manner, and measures to protect drivers and employees from the hazards associated with the wastes.

(d) Emergency handling procedures in the event of a discharge of hazardous waste during transportation, including containment of hazardous waste to minimize harm to the public health, safety, welfare or the environment in compliance with 49 CFR Section 177.854, and 310 CMR 30.413.

(e) Emergency Response information required by 49 CFR 172.602.

(f) A method to assure that the instruction program has been effectively completed (e.g. written or oral tests) as required by 49 CFR 172.702(d).

(2) For each vehicle driver, and for each employee of the transporter who may handle hazardous waste or accompany vehicle drivers during handling or transportation of hazardous waste, a record of current training, inclusive of the preceding two years, in accordance with U.S. Department of Transportation 49 CFR Subpart H shall be created and retained by each hazardous waste employer for each driver and employee above, for as long as the driver and employee is employed and for 90 days thereafter. The record shall include:

- (1) The hazardous waste employee's name;
- (2) The most recent training completion date of the hazardous waste employee's training;
- (3) A description, copy, or the location of the training materials used to meet the requirements of paragraph (1) above.
- (4) The name and address of the person providing the training; and
- (5) A certification that the hazardous waste employee has been trained and tested as required by CFR 172 Subpart H and 177.800.

[The certification shall be provided at license application and renewal and shall state that all company drivers, and each employee of the transporter who may handle hazardous waste or accompany vehicle drivers during handling or transportation of hazardous wastes subject to U.S. Department of Transportation hazardous materials training requirements will receive training and have been trained and tested to ensure that the training is effective.]

(3) The Department may independently verify successful completion of the instruction program required above by questioning drivers, trainees, employees, or utilizing other appropriate methods.



MASS. EA 24.3:996/4j

OT

# HWACalendar

April 17, 1996

## MEETING NOTICE

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Published by the Hazardous Waste Management Program  
for the HAZARDOUS WASTE ADVISORY COMMITTEE  
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**Location of the meeting: 7th Floor Conference Room  
One Winter Street, Boston**

## AGENDA

9:30 Minutes of the March 20, 1996 HWAC meeting

9:40 Reports:

HWAC Working Committee - Rubinstein/Brown  
Status of Universal Waste Rule Initiative - Miller

10:15 Printers Workbook and Self-Certification Statement - Wrenn

10:45 Environmental Results Program - Alissa Whiteman

11:15 Follow-up discussion to March HWAC meeting - Steve DeGabriele

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Transporter Committee (Asha Shah, contact)  
5th fl., One Winter Street, Boston

June 12, 10 - noon

HWAC Working Committee (Jim Miller, contact)  
National Guard Armory, Worcester

April 24, 1-5 PM







## **Massachusetts Hazardous Waste Management Advisory Committee**

Minutes of HWAC Meeting  
March 20, 1996

Members present: Adams (chair), Brown, Cahaly, Lataille, Perry, Rubinstein, Shaines

Members absent: Cox, Franklin, Mascoop

The minutes of the January 24, 1996 meeting were amended, p. 2, 4th line in paragraph on Hazardous Waste ID Rule, to change "row" to "road," and "transporter" to "transported." In the 8th line under paragraph on Proposed Changes to Regulations for Driver Training, "Comprehensive" should read "Commercial."

### Reorganization of the Bureau of Waste Prevention

Carl Dierker, new assistant commissioner of BWP, was introduced. Dierker described his background of experience in DEP with water-related programs, most recently directing the Wetlands and Waterways Program, and as an attorney in the Office of General Counsel. He noted that BWP is changing from a media-oriented to multi-media program which will be "customer-based." With a hand-out of the proposed organization, he described the proposed new divisions, one for evaluation and planning, one for business compliance/enforcement and one to be focused on consumer issues, e.g. transportation, recycling, etc. Some of the new approaches in the planning stage are the "Environmental Results Program," which will allow for self-auditing and certification by selected industry sectors and a ticket-type of enforcement for predictable, simple non-compliance.

Members of the Committee asked if there would be any effort to work with municipal and state agencies. Response from Dierker was that there are some enforcement actions underway with state agencies, e.g. MBTA. He sees HWAC as primarily involved in the area of Evaluation and Planning and the Business division. He would like to have HWAC consider future trends, and advise as to which changes in the regulations should be priorities. He noted that Comm. Struhs is looking at all advisory committees to consider their roles in the upcoming months. Members of the Committee noted that they have had several active and productive subcommittees, which were also balanced in their make-up, and would like to continue to offer their expertise within the new structure.

### HWAC Working Committee report

The work on Contingency Plans (related to LQG's) is 85% complete. At the next meeting on March 27 they will be discussing on-site treatment by generators. Adams has minutes of the meetings. The subcommittee recommended that DEP prepare and advocate with EPA an appropriate solution to allow and encourage recycling/reclamation of listed regulated recyclable materials where there are multiple sites within a single corporation within the state. An estimated 1/2 mill. gals may be impacted in four large companies. On a motion by Cahaly, seconded by Brown, the subcommittee's recommendation was accepted unanimously. On a motion by Rubinstein, seconded by Perry, the members unanimously approved sending a letter to Comm. Struhs and Ass't Comm. Dierker, cc to Steve DeGabriele, expressing the recommendation. Perry offered to draft a letter and send it to the Steering Committee for review as a first step.

### National Transporters Association Challenge

Al Nardone gave a brief overview of the challenge history which has been aimed at achieving a national standard for qualification of hazardous waste transporters. Although DEP's requirements go further than the DOT, they parallel the national standards. Discussions to date have been cordial. On a motion by Rubinstein, members unanimously approved Nardone's proposed regulatory change in driver training language (30.409) to make the MA language similar to DOT. Perry stated that he sees an overall economic advantage to having a single standard.

### Governor's Executive Order re. Regulations

Madeline Snow, new Ass't Comm., Bureau of Strategic Policy and Technology, asked members what they thought regulations should look like. Response in this brainstorming exercise: readable, comprehensive, legal, enforceable, demonstrate a cost/benefit, etc. She then distributed the Governor's recent order which states that all regulations must be sunseted by 12/31/96 unless they are "essential" or mandated by law. Certain criteria for keeping a reg (need for the reg, cost of compliance does not exceed the benefits, a schedule or process to measure effectiveness, etc.) are provided in the Order. Snow showed a grouping of 50 DEP regs, by category, those needing major overhaul, those to be phased out, those under review, etc. As a way of "cleaning out the reg closet," she believes that through a public process the CMR review will be beneficial. Futures Day will be focused on this topic this year and four regional meetings are in the planning stage. By 12/31 she expects to be able to state which regs will deserve a cost/benefit analysis. A 2-3 year work plan will be developed.

The next meeting of HWAC will be April 17 and the Environmental Results Program will be on the agenda.



MASS. EA 24.3: 996/6

# HWACalendar

June 19, 1996

## MEETING NOTICE

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Location of the meeting: 7th Floor Conference Room  
One Winter Street, Boston

## AGENDA

9:30 Minutes of the April 17, 1996 HWAC meeting

9:40 Reports:

HWAC Working Committee - Brown/Rubinstein  
Status of Zero Discharge work  
Status of Multi-site Recycling XL project  
Status of UW Rule evaluation  
Status of IBR  
Status of BWP reorganization

10:30 Integral recycling under TURA

10:45 Massachusetts Plan for Managing Hazardous Materials from Households and Small  
Businesses - Scott Cassel, Waste Policy Director, EOEa

11:30 Future meeting topics, summer field trip destination

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HWAC Working Committee  
National Guard Armory, Worcester

June 12 9-12 AM  
Jim Miller, contact

Transporter Committee  
5th fl. One Winter Street, Boston

June 12 10 - noon  
Asha Shah, contact



## **Massachusetts Hazardous Waste Management Advisory Committee**

Minutes of HWAC Meeting  
April 17, 1996

Members present: Brown (chair), Lataille, Mascoop, Perry, Rubinstein, Shaines

Members absent: Adams, Cahaly, Cox, Franklin

The minutes of the March 20, 1996 HWAC meeting were approved as written.

### Report of the Working Committee:

This committee is reviewing sections of the regulations to determine where Mass. regs differ and whether the difference with the federal is justifiable, explained Geoff Brown, co-chair. The trend is to move to federal language. For example, emergency plans are covered in OSHA, therefore the committee suggests adopting OSHA language. Shaines noted that requirements for LQG's should at least include what applies to SQG's. There may also be reporting under 21E which needs to be considered in developing consistency, noted Stephanie Goodwin, who serves as consultant to DEP on the IBR project. Nancy Wrenn questioned whether the proposed changes would negate the existing policy regarding submission of the Contingency Plan. Al Shaines was concerned that there be a requirement to notify local responders. He stated that he had not had time to read the recommendation. On a motion by Lynn Rubinstein to accept the recommendations of the subcommittee relative to contingency plans (18 page handout), five voted in favor, one voted against, and the motion carried.

### Status of the Universal Waste Rule Initiative:

James Paterson stated that Stephanie Goodwin has also been retained by DEP to evaluate the new federal rule, make recommendations as to whether the Department should continue to operate with policy, to adopt the rule as is, or to adopt the rule with amendments. During the first phase of her work she is interviewing key people at DEP, EPA staff, and the working committee of HWAC. Comments will also be solicited from a "focus group." Substantive issues will be reviewed and by early summer she will present a summary of the findings. The next step could be a draft of the regs, public hearings and authorization, but it would depend on how quickly EPA can move through the process before we would know when the rule would take effect in Massachusetts. Ty Perry and Lynn Rubinstein recommended that the working committee be involved following the focus group meetings, prior to drafting of regs.

### The Massachusetts Printers Partnership (MP2):

The recently produced Workbook and Self-Certification Statement, a voluntary multi-media outreach tool for commercial printers, was described by Nancy Wrenn, MP2 coordinator. As a pilot project the Partnership has shown the advantage of working collaboratively with an



industry to develop easily understood information about environmental practices, including pollution prevention opportunities. Printers have also been offered technical assistance through workshops and one-on-one clinics held throughout the state. Wrenn noted that this is a forerunner of industry-specific approaches to come and will be evaluated during the summer following the June 30 deadline for submission of the Self-Certification Statements. Rubinstein suggested that local chambers of commerce and other local officials should be notified of the program and may be helpful in enlisting small businesses.

#### The Environmental Results Program (ERP):

Alissa Whiteman, BWP attorney, described the process by which DEP is working on the goal of reducing 10,000 permits. Unlike the Printers Project, ERP when completed will be mandatory. She handed out a listing of the 8 industry sectors selected and the technical teams which are focused on industrial processes. Questions now under consideration are whether statutory changes will be needed, whether there will be a need for annual self-certification, a third party audit. Twenty companies are involved as test sites. Two industry sectors will be selected for a workbook.

#### Follow-up to March HWAC Meeting:

Steve DeGabriele emphasized that there is a continuing role for HWAC in the changing context of the Bureau of Waste Prevention, e.g. Bureau reorganization and implementation of the Governor's Executive Order to reduce unnecessary regulatory burden. He stressed the need for balance: (1) to improve existing rules or add new rules, e.g. the Universal Waste Rule; (2) achieve authorization for those rules where Mass. is lagging, e.g. TC, HW ID Rule. He sees the HWAC role as important in setting priorities. The criteria of readability and cost benefit comparison of CMR review will influence this process. New issues will emerge and may have to be dealt with out of order because of the broader agenda. Also organizational changes will mean that there will be new people in new roles. There are also federal changes, such as multi-program block grants (performance partnership grants) to achieve integrated environmental protection. A representative of Western Mass. Electric noted that corporations are going through the same process. Ty Perry suggested that the committee needed to know what structure they will be working within and where they would have the greatest leverage.

The next meeting of the committee is scheduled for June 19.

May 16, 1996

David Struhs, Commissioner  
Department of Environmental Protection  
One Winter Street  
Boston, MA 02108

Dear Commissioner Struhs:

The Hazardous Waste Advisory Committee has voted its unanimous approval of a regulatory initiative that will require the services of the legal staff of the Office of General Counsel. It is respectfully requested that the staff be assigned to allow for the creation and review of the proper regulatory language to implement ideas generated by an inter-departmental DEP working group set up to discuss zero discharge wastewater treatment systems (defined below). The working group engaged on the topic about two years ago and was chaired by Jim Miller of the Division of Hazardous Materials. We understand that the regulatory status of zero discharge systems may soon be evaluated with respect to the Department's ERP initiative, but we wish to emphasize that the issue pertains to large and small facilities and should be reviewed in an overall context. The proposal is described below.

We believe that the Department should allow equal hazardous waste regulatory status to wastewater treatment units (WWTUs) that actually discharge an effluent to the sewer under a Sewer Connection Permit (or for the MWRA service area, an Industrial Waste Water Discharge Permit) and those wastewater treatment units that do not discharge an effluent. These latter units are called zero discharge treatment units.

The issue is that WWTUs which treat a hazardous waste wastewater are exempt from 310 CMR 30.00 if they are "point source discharges permitted pursuant to M.G.L. c. 21, § 43" [310 CMR 30.104(2)]. A point source can only be so permitted if there is an effluent to describe, regulate and permit. However, some WWTUs operate by completely re-using the treated wastewater back into plant operations. In this case, no Sewer Connection Permit is possible since there is no sewer discharge. However, the lack of such a permit removes from the WWTU the hazardous waste exemption discussed above and subjects the zero discharge system to comprehensive and expensive Treatment, Storage, and Disposal (TSD) licensing requirements. In addition, a zero discharge WWTU would not normally qualify for a "treatment integral to the process" exemption since WWTUs almost always require openings and penetrations for normal operation that make application of strict EPA rules around treatment integral to the process impossible to meet. Also, the recovered water is not usually able to be re-used in the exact process from which it came, but must be allowed to be used in many processes so as to allow for operational flexibility as operational tempos move from process unit to process unit.

It is nevertheless highly desirable that TSD requirements not be imposed on zero discharge units that perform exactly the same function as discharging WWTUs, with the single exception that the zero discharge units are even more environmentally conscientious since they are more efficient users of water. The current situation forces operators to artificially create a discharge so that it can be regulated. Alternatively, if the unit cannot be economically directed to an existing sewer line (for example, because the process is far away from other operations), operators may be forced to forgo the WWTU altogether and to truck out large quantities of hazardous waste. In either case, it would be to the benefit of the environment and to the



regulated community to find a way to allow easily obtainable permits to be issued under M.G.L. c. 21, § 43 for zero discharge units. Such permitting review would ensure that the WWTUs were adequately regulated and would provide WWTUs with the TSD licensing exemption necessary to make possible their operation.

As you know, the Committee is established by statutory authority to provide advice and counsel to the Department and is constituted to be made up of a diverse membership representing business, local government, and public citizens. If you have any questions concerning the above, please contact Geoff Brown, the Committee member assigned for this issue, at 413-789-3530.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "William T. Perry". The signature is fluid and cursive, with a long horizontal stroke at the end.

William T. Perry  
For the Committee





MASS. EA 24.3: 996 / 8

OT

# ✓ HWACalendar

August 21, 1996

## MEETING NOTICE

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Published by the Hazardous Waste Management Program  
for the HAZARDOUS WASTE ADVISORY COMMITTEE  
for more information call Nancy Wrenn at 617-292-5587

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**Location of the meeting: Library, 2nd floor**

**DEP Regional Office**

**20 Riverside Drive (left off Rte. 105 from Rte. 25)**

**Lakeville**

## AGENDA

1:30 P.M. Minutes of the June 19, 1996 HWAC meeting

1:40 Status Reports:

HWAC Working Committee - Brown, Rubinstein  
Public hearings/promulgation of regulations

2:00 Universal Waste Rule

2:30 Election of HWAC Steering Committee (if quorum)

2:45 Meeting of HWAC Steering Committee or members present to plan for 1996-1997

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HWAC Working Committee  
National Guard Armory, Worcester

August 28 1-5 PM  
Jim Miller, contact

Transporter Committee  
5th fl., One Winter Street, Boston

August 14 10-noon  
Asha Shah, contact







## **Massachusetts Hazardous Waste Management Advisory Committee**

Minutes of HWAC Meeting  
June 19, 1996

Members present: Brown, Cahaly, Lataille, Mascoop, Rubinstein (chair)

Members absent: Adams, Cox, Franklin, Perry, Shaines

### Reports:

Steve DeGabriele reported on the Department's response to the two letters sent by the HWAC to the Commissioner in May, one re. Zero Discharge, the other re. Multi-site Recycling. Legal resources have been assigned, as HWAC requested, for the Zero Discharge project, which is now under the Environmental Results Program (ERP). Twenty-two firms have been identified which will demonstrate the application of the Zero Discharge approach. No additional permits would be required but a change in regulations would be needed. Since only a few companies (6 according to AIM) have been identified as fitting the multi-site recycling model, DeGabriele suggested that the committee consider a broader approach, such as tying it to the XL program. But this might mean that it would get mired in details, Rubinstein said. The alternatives would be to have each company apply individually for some sort of variance, a group of companies apply, or a generic application by DEP. Because of other competing priorities within the Department, this strategy question needs more consideration. No written response is needed to the HWAC letter, members agreed, and Rubinstein said the issue will be put back on the subcommittee's agenda for consensus-gathering.

Jim Miller described the Zero Discharge work, which has been focussing on requirements for companies wanting to eliminate wastewater, both industrial and hazardous, discharges. The options are 1) to eliminate the permit, in favor of a certification to performance standards (simple for totally enclosed, hard-piped systems); 2) facilities with less than 1 TPY volatiles will have a detailed set of standards, be required to classify their wastewater and do a materials balance.

Miller also discussed the status of the Universal Waste Rule. Invitations have gone out to 120 potentially interested parties to attend a focus group meeting where the question of adding waste streams will be raised. It is hoped that draft regulations will be out in September and the final by the end of the year. A petition process will be incorporated.

James Paterson reported on the status of IBR. The first phase (checklists for definitions and identification) has been completed, to be followed by review by EPA.

Paterson also reported that public notice is going out for 6 public hearings on some minor changes in regulations, related to Hazardous Waste driver training and presumptive approvals for applications for used oil and surplus paint collection programs.

Integral Recycling under TURA

Bill Panos, new director of the TURA program, discussed the draft Integral Recycling Guidance which has been developed to clarify the meaning of "integral" as defined under TURA. The goal is to allow more flexibility and credit under TURA. In order for an activity to qualify as "integral recycling," the material must be recycled or reused, not treated. Preference is given to on-site integral recycling. Cahaly suggested that "by-product" be defined as either a waste or a product. Brown questioned whether the company to which this applies would be saving money and/or reduce their reporting requirements. Panos responded that there may not be either benefit.

EOEA Plan for Managing Hazardous Materials from Households and Small Businesses

Scott Cassel, director of waste policy at EOEA, noted that this was the first presentation of a plan which has been building for some time and is a follow-up to 1991 recommendations of this committee to then Comm. Greenbaum. The recent mercury report issued by DEP is tied in with this plan which shows a readiness to work with small sources of pollution. The goals are to achieve 46% recycling of the solid waste stream by the year 2000. In addition we need to find ways to measure reductions in toxicity. The plan focusses on conservation of resources, e.g. used oil and surplus paint, encourages "closed loop" approaches, e.g. creation of a market for recycled products, and collection/diversion of priority materials from not go to solid waste landfills or incinerators. To keep costs down the plan recommends collection of high volume materials such as paint and oil at the local level (could also be returned to the retailer, go to a collection offered by a private business) and other smaller volume materials could go to mini-regional facilities. Ongoing local permanent solutions are now underway, with DEP-offered tanks for used oil and sheds for paint to a number of municipalities. Amherst and Attleboro are two communities which have already demonstrated that they have saved money over the typical one-day collection by diverting the surplus paint for exchange within the community. Cassel hopes to be able to provide better guidance to municipalities as to what they should collect.

Mascoop noted that the plan suggests an effort to reach VSQG's and urged integration of the VSQG's into the collection programs. Lori Segall, hard-to-manage waste specialist at DEP, said that national experience shows that VSQG's do not participate in these programs, partly because nobody is enforcing waste rules with them. Rubinstein noted that staffing and disposal are the expensive items for community programs, not the equipment. Dedicating limited funds to one waste may not be cost effective. In Franklin County where she coordinates the collections for 20 towns at 4 sites there is concern for strippers, thinners, muriatic acids, etc. She noted that the definition under the solid waste recycling grant program of a "region" is a population of 100,000, which excludes western Massachusetts.

Brown reported briefly for the subcommittee, stating that the work on Contingency Plans is done, Treatment in Containers by generators is now under discussion. If Emergency Treatment Permits continue to be issued, the committee wants to consider this as well.

After some discussion, members agreed that Global Recycling in Stoughton would be the destination of choice for an August 21 field trip. Consolidated Recycling in Bridgewater would also be possible.



MASS. EA 24.3:996/10

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# HWACalendar

October 16, 1996

## MEETING NOTICE

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Published by the Hazardous Waste Management Program  
for the HAZARDOUS WASTE ADVISORY COMMITTEE  
for more information call Nancy Wrenn at 617-292-5587

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**Location of the meeting:** 7th floor conference room  
One Winter Street, Boston

### AGENDA

- 9:30 A.M. Minutes of the August 21, 1996 meeting
- 9:45 Status Reports:
- Gubernatorial appointments
  - Regs Review/Working Committee
  - Universal Waste Rule
- 10:15 CMR Review and EPA/DEP Performance Partnership Grant -  
Madeline Snow, Assistant Commissioner
- 11:00 RCRA HWIR Media Rule Update - John Carrigan  
(HWAC members, see enclosed letters to RCRA Docket Clerk)
- 11:30 Steering Committee meeting (tentative)

\*\*\*\*\*

HWAC Working Committee  
National Guard Armory

October 9 1-5 PM  
Jim Miller, contact

Transporter Committee  
One Winter Street, Boston, 9th Fl.

October 9 10 AM - noon  
Asha Shah, contact





## **Massachusetts Hazardous Waste Management Advisory Committee**

Minutes of HWAC Meeting  
August 21, 1996

Members present: Adams, Cahaly, Perry, Rubinstein (chair), Shaines

Members absent: Brown, Cox, Franklin, Lataille, Mascoop

The committee toured the Global Recycling facility in Stoughton in the morning. The afternoon meeting was held at the DEP Lakeville office. Nancy Wrenn will send letter of appreciation to Global.

Minutes of the June 19 HWAC meeting were accepted as written.

Members of the Regulations Review Subcommittee discussed the adoption of the Universal Waste Rule. They are not recommending adoption of the rule entirely by reference. They conclude that more specific management standards are needed for the older pesticides. Certain wastes, not in the federal rule, have been considered and rejected for inclusion in the MA version. Electronics and circuit boards, for example, seem to be adequately managed. The committee sees no added benefit in adding paint, as had been proposed by a group of utilities. However, mercury-bearing wastes, such as fluorescent lamps and thermometers will be proposed for inclusion. By going beyond the federal language MA will be risking a delay in federal authorization, but this is unknown at this time. Connecticut is the only other New England state considering adoption at this time.

### Recommendations of HWAC members re. the Universal Waste Rule adoption:

- Give HWAC support of the above position with the submission to EPA
- Reference the Paterson memo on CRT's
- For those wastes not included, DEP should put out guidance

A draft plan for adoption of the Universal Waste Rule is expected to be ready by the second week of October.

### Request for written determination of two scenarios of treatment on site:

On a motion by Ty Perry, the members approved adoption of a letter addressed to Steve DeGabriele stating the subcommittee's interest in clarification of cases where industrial wastewater can be treated on site without a permit.

Still to be discussed in the committee are on-site reintroduction of regulated recyclable material and multi-site recycling.



New Steering Committee elected.

Lynn Rubinstein, Andrea Adams, Ty Perry and Al Shaines volunteered to serve on the 1996-1997 steering committee and those present so voted.

Wrenn announced that Madeline Snow would be attending the next HWAC meeting on October 16 to discuss the CMR review and Performance Grant. The URule draft plan would also be on the agenda.

Cahaly suggested that the committee consider reinventing its mission and defining its role. The Steering Committee could meet after the next Regs Review meeting. Perry suggested that the Steering Committee could ask for proposals from 1-2 people on the full committee.

MASS. EA 24.3: 996/11

check in on Kdf

# HWACalendar

November 20, 1996

## MEETING NOTICE

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Published by the Hazardous Waste Management Program  
for the HAZARDOUS WASTE ADVISORY COMMITTEE  
for more information call Nancy Wrenn at 617-292-5587

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**Location of the meeting:** 7th floor conference room, One Winter Street, Boston

### AGENDA

9:30 A.M. Minutes of the October 16, 1996 meeting

9:45 Status Reports:

Regs Review/Working Committee  
Universal Waste Rule Recommendations

10:15 Measures of Success - Carol Rowan-West, Director of the DEP Office of Research and Standards (Follow-up to Performance Partnership Grant discussion of 10/16)

See enclosed description of "Environmental Indicators."

11:30 December meeting - Holiday lunch

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Working Committee Meeting  
November 15 1:00-4:00PM  
National Guard Armory, Worcester

Transporter Committee Meeting  
December 11 10:00 AM - noon  
DEP, Boston 5th floor conf. room

Contact: James Paterson [556-1096]

Contact: Asha Shah [292-5576]





## VII. Environmental Indicators

Traditionally, government agencies have focused on program activity measures (i.e. "bean counts"). EPA and DEP have generally measured progress by growth in the number of enforcement actions taken, permits processed, regulations adopted and hours of technical assistance provided from one year to the next. While these outputs are evidence of productivity and accomplishment, in the end, it is difficult to correlate them with success in the primary mission of preserving and enhancing the environment.

Environmental indicators express scientifically-based information on environmental conditions, trends, and their significance. They characterize the effects of human activities on the environment as well as their implications for human health, quality of life, and ecosystem integrity. As part of its performance agreement with EPA, DEP will use these indicators to the extent it can in evaluating the success of its programs in achieving environmental and public health protection.

These indicators are useful tools with a wide variety of applications. They can be used to communicate information on environmental conditions and to measure the achievements and progress of environmental protection programs. To be truly effective measures, however, they must reflect changes over time relative to environmental problems, must use reliable data, be relevant to environmental policy goals, be reproducible and technically and economically feasible.

There are three types of indicators that DEP is including in the agreement. **Primary indicators** are most relevant because they directly report the changing status of environmental quality. **Secondary indicators** provide information about stressors that affect environmental conditions but may not communicate the condition of the environment unless they are accompanied by information explaining the link between the stressor and the magnitude of the impact.

The role of **tertiary indicators** (program indicators) will decrease in importance as DEP relies more on primary and secondary indicators to measure our success in environmental protection.

To achieve this in federal fiscal year 1997, DEP is committing in this agreement to:

- Use indicators developed by the New England Environmental Goals and Indicators Project (NEGIP)<sup>1</sup> where and when appropriate;
- Continue working in collaboration with the other New England states and EPA-New England on the development, revision, and use of environmental goals and indicators;
- Pursue the resources necessary to identify, use, and interpret environmental indicators — including monitoring, data management and other activities; and
- Continue to seek public involvement in, and comment on, all of these efforts.

<sup>1</sup> NEGIP was initiated in the fall of 1995 by the Regional Administrator of EPA-New England, and the New England State environmental commissioners to build capacity and commitment to develop and use state and regional environmental goals and indicators.



## Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting  
October 16, 1996

Members present: Adams, Brown, Lataille, Perry, Rubinstein, Shaines (chair)

Members absent: Cahaly, Cox, Franklin, Mascoop

The minutes of the August 21, 1996 meeting were approved as written.

Gubernatorial appointments to HWAC: Steve DeGabriele outlined the recent interaction he has had with the Governor's office in regard to appointments as a result of Andrea Adams' request for clarification of certain financial interests she has which could impact decisions made in the committee. Steve reviewed the wording in the statute which states that a "public member" shall have no financial interest in any considerations of the committee. He is encouraged that the Governor's office is now paying attention to the appointment requests which have been dormant for some time. Leon Lataille, Geoff Brown and Al Shaines have recently received their appointment letters. Since we now have the attention of this office, and several of the remaining members have expired terms, Steve wants to submit a general letter for all those whose terms should be renewed. As always, whether members are officially appointed or not, their advice will be carefully considered by staff of the Hazardous Waste Management Program, he added.

As requested by Ty Perry, we have attached for the members a copy of C. 268A:9 Violation of secs. 2-8: which describes the penalties which could ensue if the state ethics commission finds that a "public employee" (advisory committee members are included in this definition) has acted to his economic advantage in such matters. DeGabriele indicated that the committee has historically policed itself and that it is virtually impossible for members not to have some direct interest in the work of the committee.

Regs Review Subcommittee: Andrea Adams announced that the next meeting of the subcommittee will be October 30 in Worcester. Topics to be discussed are multi-site recycling, "commodity-like"/waste-like, "containment area" and "other." On-site treatment has been an ongoing topic. A draft is in preparation.

Update on the CMR Review was provided by Madeline Snow. A copy of the Workplan to Implement Executive Order 384, July 25, 1996, was handed out. She stressed that she would like to receive comment on the proposed priorities and list of issues which cut across regulations and programs and jurisdictions. She noted that there is a range of approaches to cost benefit determinations, some of which are time and resource intensive. Within the top ten agencies with the largest number of regulations, DEP ranks 8th but has the largest number of pages. Fifteen% of the DEP regs are scheduled to be rescinded, 42% to be modified and 42% to be retained. She said that DEP is committed to continuing the reg streamlining and clarifying and simplifying wherever possible. Future discussions will focus on cost and benefit and involve the public. She will be sitting down with each Bureau to structure a strategy for meaningful discussion. HWAC should submit comments within 4 weeks, if possible. Public forums will be scheduled for later in the year. The Mass. Assoc. of Conservation Commissions and Mass Municipal Association



has submitted comments. A&F has approved the work plan, which is due to be revised by the end of December.

The Performance Partnership with EPA: Representing a major shift in the agreements DEP makes with EPA, the "Performance Partnership" means accountability on both sides, not "beans," and is a cultural shift. Snow said that a draft agreement is expected to be final by December and will be tied to the CMR review. DeGabriele noted that this will require a new way of looking at rulemaking because the flexibility of the new grant process puts each program to some degree in competition for one pot of money. A list of Environmental Indicators which will be used to measure the success of these goals will be mailed to HWAC members prior to the next meeting and will be on the agenda for the next meeting, to be scheduled for November 20, with Carol Rowan West of the Office of Research and Standards presenting.

The RCRA Hazardous Waste Identification Rule (HWIR): Two committees of state RCRA representatives have been working on this rule, one on "process waste," the other on "media waste." John Carrigan provided an update on the Media Waste Rule. He has been working closely with staff of the Bureau of Waste Site Cleanup and has proposed through NEWMOA that waste which is characterized as hazardous and is integral to remediation should be allowed to be managed under state cleanup programs.

The Department favors a "unitary approach," in contrast to the traditional case-by-case approach, to which EPA has so far remained silent. Remediation on site is less controversial than removing soil and treating it off-site. He would like to receive comments from members of the Committee.

The Universal Waste Rule adoption process is moving along, Jim Miller reported. A report with recommendations is due within a month. Mercury-bearing wastes will be proposed to be included. Andrea Adams said the handling of fluorescent lamps, e.g. crushing, will be discussed in the subcommittee. Members suggested that they receive the draft regs prior to public hearings. Regs are planned to be final in April, effective May/June.



